

Notice of Allowability

Application No.

10/810,393

Examiner

Terrell H. Matthews

Applicant(s)

FARRARA ET AL.

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 5-7 and 9-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Bodnar on 5/22/2007.

The application has been amended as follows:

Claims 1-4, 8, 12, 13 remain canceled.

Claims 5-7, 9-11 have been changed to read as indicated below:

Claim 5. In combination:

An automotive lift system lifting arm having a substantially rectangular or square end;

A cushioning cap connected to the substantially rectangular or square end of the lifting arm, said cushioning cap having a substantially open top comprising: a solid body of resilient material having a plurality of exterior surfaces, said solid body further comprising: a front section; two adjacent side sections orthogonal to the front section; and a bottom section substantially orthogonal to the side sections and the front section

Claim 6. The combination according to claim 5 wherein at least one of the exterior surfaces of said cushioning cap contains indicia.

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Claim 7. The combination according to claim 5 wherein said solid body of resilient material is comprised of at least one member selected from the group consisting of expanded foam, rubber, extruded foam rubber, sponge foam, polyurethane foam, integral skin foams, rigid closed cell, integral flexible open cell, expanded polystyrene and compression-molded, closed cell cross-linked polyethylene.

Claim 9. In combination:

An automotive lift system lifting arm substantially curvilinear end;

A cushioning cap connected to the substantially curvilinear end of the lifting arm, said cushioning cap having a substantially open top and comprising: a solid body of resilient material having a curvilinear shape, at least one exterior surface, and at least one concave interior attachment surface for affixing said cushioning cap to the curvilinear end of an arm of an automotive lift system.

Claim 10. The combination of according to claim 9 wherein the at least one exterior surface of said cushioning cap contains indicia.

Claim 11. The combination according to claim 9 wherein said solid body of resilient material is comprised of at least one member selected from the group consisting of expanded foam, rubber, extruded foam rubber, sponge foam, polyurethane foam, integral skin foams, rigid closed cell, integral flexible open cell, expanded polystyrene and compression-molded, closed cell cross-linked polyethylene.

The following is an examiner's statement of reasons for allowance:

Claim 5 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) in combination: an automotive lift arm having a substantially rectangular or square end; a cushioning cap connected to the substantially rectangular or square end of the lifting arm, comprising: a solid body of resilient material having a plurality of exterior surfaces.

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Claim 9 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) in combination: an automotive lift arm having a substantially curvilinear lifting arm; a cushioning cap connected to the substantially curvilinear shaped end, and at least one exterior surface and at least one concave interior attachment surface for affixing said cushioning cap to the curvilinear end of an arm of an automotive lift system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THM


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